

## **REMARKS**

Applicants, their principal representatives in Germany, and the undersigned have carefully reviewed the first Office Action on the merits of December 19, 2005 in the subject U.S. patent application, together with the prior art cited and relied on by the Examiner in the rejections of the claims. In response, the Substitute Specification and claims of the application have been amended. It is believed that the claims now pending in the subject application are patentable over the prior art reference cited and relied on by the Examiner. Reexamination and reconsideration of the application, and allowance of the claims is respectfully requested.

The subject U.S. patent application discloses, and claims a cutting device which is adapted to transversely cut at least a first web of material. A cutting and conveying cylinder, generally at 11 in Figs. 1 and 2 cooperates with a first counter-cylinder 12 to define a first cutting gap 08 through which a first web 02 passes. Cutting and conveying cylinder 11 also cooperates with a second counter-cylinder 13 to define a second cutting gap 04 through which a second web 04 passes. At least one cutting blade 14 is carried by the cutting and conveying cylinder and is usable to cut a first product from the first web of material as it passes through the first cutting gap. That same cutting

blade is also usable to cut off a second product from the second web as that first cutting blade passes through the second cutting gap. The benefit of the use of the same knife to cut off first and second products from first and second webs, in first and second cutting gaps is that the same cutting blade is used to make both of the cuts and thus cannot re-cut the first material in the course of cutting the second product.

A first backstop is provided on the first counter-cylinder and cooperates with the first cutting blade in the first cutting gap. The cutting and conveying cylinder also includes at least one holding device, such as the spur needle strip 16 whose purpose is to hold the cut-off products as they are conveyed through the folding gaps.

In the first Office Action on the merits of December 19, 2005, claims 15, 16, 18, 20, 22, 24-26 and 28 were withdrawn from consideration as being drawn to an invention which was not selected for prosecution in the subject application. These claims have now been cancelled. Applicants again specifically reserve the right to file one or more divisional applications directed to the subject matter of these claims. Claims 13, 14, 17, 19, 23 and 27 were rejected under 35 USC 102(b) as being anticipated by U.S. patent No. 4,564,183 to Muller. Claim 21 was rejected under 35 USC 103(a) as being unpatentable over the Muller reference.

In the course of a review of the Substitute Specification, during the preparation of this Amendment, several minor typographical errors were noted. To correct these, two of the paragraphs of the Substitute Specification have been cancelled and are being replaced with corrected paragraphs. It is believed that these minor changes and corrections do not constitute any new matter. Their entry is respectfully requested.

The prior art patent to Muller has been carefully reviewed and claim 13, the sole independent claim now pending in the application, has been amended to more clearly patentably define the present invention over the cited prior art. As discussed above, the subject invention, as recited in currently amended claim 13, utilizes a cutting and conveying cylinder 11, in cooperation with two counter-cylinders 12 and 13 to cut first and second products from first and second webs 03 and 04, as those first and second webs pass through first and second cutting gaps 08 and 09, respectively. The same cutting blade or knife 14 is used to cut both the first product and the second product in the respective first and second cutting gaps 08 and 09. The benefit of this arrangement is that since the first and second products are both cut by the same cutting blade, it is not possible that the first product will be inadvertently cut again, at a different location on the first product, by the first cutting blade during the cutting of the second product.

A careful review of the cited Muller reference fails to provide any teaching or suggestion of the structure recited in claim 13, as filed, and even more clearly as amended. In the Muller device there is only one web 1 being fed to one cutting gap which is defined by the cooperation of a blade or cutting cylinder 7 and a collecting cylinder 4. The Muller reference is asserted as showing, in Fig. 2 a second counter-cylinder cooperating with the cutting and conveying cylinder 7 and defining a second cutting gap. In fact, the asserted second counter-cylinder 13 is a folding jaw cylinder 13 which includes folding jaws 14 and either folding blades 15 or needle rows 28.

In operation of the Muller device, the folded web 1, which is received from the former 2, is cut, in the single cutting gap, by the cutting blades 8 carried by the cylinder 7. The cut product can then be transferred to the blade cylinder 7, by being engaged by the needle rows 10 on the blade cylinder 7. These products are then inserted into the folding jaws of the folding jaw cylinder 13 by the folding blades 9, which are not cutting blades, on the blade cylinder 7. In a second mode of operation, as depicted in Fig. 2, the cut product, which is severed from folded web 1 by the cutting blade 8 of the blade cylinder 7, is now carried by the counter-cylinder 4 by use of the needle rows 6 of the cylinder 4. Second cutting blades 24, which are also provided on the cutting cylinder 7,

are moved into an operative position and cut the same web 1 in the same cutting location, to form a second product which can be collected on the first product, which is being carried by the single counter-cylinder 4. This product can then be taken over by the pin sets on the cutting cylinder 7 and can be carried by the folding jaw cylinder 13. In this configuration, as discussed at Column 5, starting at line 17 of the Muller reference, the folding-jaw cylinder 13 then serves solely as a means for conveyance for the collected product to a succeeding or following second cross-folding cylinder 18.

It is believed to be apparent, from this analysis of the Muller reference, that it does not anticipate, or render obvious the structure of the subject invention, as recited in claim 13, as originally filed, and even more clearly as amended. Muller does not show first and second counter cylinders cooperating with the cutting and collecting cylinder and defining first and second cutting gap in which first and second webs are cut into first and second products. Muller instead shows a single collecting cylinder 4 that cooperates with a blade cylinder 7, which can have a variable number of blades on its surface, to cut a single web 1 into products. Those products can be forwarded directly to the folding jaw cylinder 13 by the blade cylinder 7. Alternatively, they can be collected in the collecting cylinder 4, taken over by the blade cylinder 7 and then again forwarded

to the folding jaw cylinder 13. In both of the operational modes disclosed by Muller, there is only one location where cutting of a single web is accomplished. Accordingly, claim 13, as filed, and even more clearly as amended, is believed to be neither anticipated nor rendered obvious by the prior art Muller reference.

As indicated above, all of the other claims now pending in the subject U.S. patent application depend, either directly or indirectly from believed allowable claim 13. These claims are thus also believed to be allowable.

Non-elected independent claim 15 and dependent claims 16, 18, 20, 22, 24-26 and 28 have been cancelled. New dependent claims 29-34, which all depend from believed allowable independent claim 13, have been added and are also believed to be allowable. These new claims further define the subject invention and provide the inventors with the scope of claim protection to which they are believed to be entitled.

## **SUMMARY**

Two paragraphs of the Substitute Specification have been amended to correct minor typographical errors. These corrections do not constitute any new matter.

Claims 1-12 were previously cancelled. Claims 15, 16, 18, 20, 22, 24-26 and 28 are currently cancelled. Claims 13, 14, 19, 21 and 23 are currently amended. Claims 29-34 are newly added. Claims 17 and 27 are carried forward. The addition of new claims 29-34 does not require the payment of any additional fees due to the cancellation of claims 15, 16, 18, 20, 22, 24-26 and 28.

It is believed that all of the claims now pending in the subject U.S. patent application are patentable over the prior art cited and relied on by the Examiner. Allowance of these claims, and passage of the application to issue is respectfully requested.

Respectfully submitted,


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March 20, 2006

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Attorney Docket: W1.1899 PCT-US